

Judge Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	NO. CR06-5504RBL
	)	
v.	)	GOVERNMENT'S NOTICE OF
	)	INTENT TO USE DEFENDANT'S
CHARLES NOLON BUSH,	)	PRIOR ACTS PURSUANT TO
	)	RULE 404(b), FEDERAL RULES
Defendant.	)	OF EVIDENCE

The United States, pursuant to Rule 404(b), Federal Rules of Evidence, hereby advises the Court and counsel for the defendant that the government intends to introduce at trial evidence of other wrongs, crimes, and acts committed by Charles Nolon Bush, the defendant. First, the government will seek to introduce evidence that between January 1999, and March 2002, Bush repeatedly made cash withdrawals, in increments of \$9,000 or less, from bank accounts on which he was the signer and into which scheme proceeds had been deposited.<sup>1</sup> These cash withdrawals totaled approximately \$1,300,000. The government will further seek to elicit IRS Special Agent ("SA") Carrie Breed's testimony that banks are required to report to the IRS all cash transactions of \$10,000 or more. Finally, during SA Breed's testimony, the government will offer certificates of non-filing establishing that Bush did not file income tax returns for tax years 1999 to 2002.

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<sup>1</sup> Because these withdrawals are inextricably intertwined with the conduct for which Bush is charged in the Indictment, it is the government's position that they are not covered by Rule 404(b). Nevertheless, the government is hereby notifying the Court and counsel that the government will seek to introduce the evidence.

1 The government also will assert at trial that Bush was not and had never been a successful, high-  
 2 level businessman as he and his representatives claimed. In support of this assertion, the government  
 3 will seek to introduce testimony regarding the last three regular - not involving multi-level marketing -  
 4 jobs that Bush has held, including testimony that (1) during the early 1980's, Bush was fired from his  
 5 sales position at Oil Well Logging in Jackson, Mississippi;<sup>2</sup> (2) also during the early 1980's, Bush had a  
 6 falling-out with the Hendricks brothers, home developers located in Houston, Texas, and was forced to  
 7 leave his job as a salesman with them; and (3) during 1992, National Safety Associates, for which Bush  
 8 was a distributor, did not allow Bush to renew his contract.<sup>3</sup>

9 In addition, the government will seek to elicit testimony that during 1997, Bush and his business  
 10 partner repeatedly attempted to finance the Cabo San Quintin "Mexico Project," one of the high-yield  
 11 investments the Indictment alleges Bush offered to investors during 2001 and 2002. The government  
 12 will seek to introduce evidence that in their attempt to fund the Mexico Project during 1997, Bush and  
 13 his partner proposed funding sources which included "gold mines," "gold bullion," "sources in Japan,"  
 14 raising sweet white lupin, and arranging funding through "an actor who had played the Virginian." Each  
 15 of these alleged sources of funding fell through.

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26 <sup>2</sup> The government will not seek to elicit the fact that when Bush left Oil Well Logging, he owed  
 27 it \$50,000 - a debt which he never repaid.

28 <sup>3</sup> The government will not seek to elicit the fact that National Safety Associates refused to renew  
 Bush's contract because it believed that Bush was stealing from it.

1 Finally, the government will seek to offer evidence that on March 7, 2002, Bush fled the  
2 jurisdiction of the United States. The government will further seek to introduce evidence that by  
3 September 18, 2002, Bush had arrived in Warsaw, Poland, and that he remained there until 2008.<sup>4</sup>  
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5 DATED this 7th day of October, 2008.

6 Respectfully submitted,

7 JEFFREY C. SULLIVAN  
8 United States Attorney

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28 <sup>4</sup> The government will not seek to introduce evidence that Bush fought his extradition.

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2008, I electronically filed the foregoing under seal with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

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